

Document Page 1 of 12
UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA
ROBERT N.C. NIX BUILDING
900 MARKET STREET
SUITE 400
PHILADELPHIA 19107-4299

Timothy B. McGrath
Clerk

Telephone
(215) 408-2800

October 18, 2016

Re: John J. Lynch, Plaintiff
vs.
Evelyn Rivera, Defendant
Bank of America, Defendant
Bayshore Loan Servicing, Defendant
KLM Group, Inc., Defendant

Bankruptcy No.: 16-16269AMC Adversary No. 16-301AMC
Civil Action No.

Dear Mr Kunz:

We herewith transmit the following document(s) filed in the above matter(s), together with a certified copy of the docket entries:

- (X) Certificate of appeal from order entered 9/27/16 and dated 9/26/16 by the Honorable Ashely M. Chan.
Notice of appeal filing fee ()paid (X)not paid
- () Designation of Record on Appeal Filed
() Designation of Record on Appeal Not Filed
- () Supplemental certificate of appeal.
- () Motion for leave to appeal filed .
() Answer to motion filed .
- () Proposed findings of fact and conclusions of law entered by the Honorable .
() Objections filed .
- () Report and recommendation entered by the Honorable .
() Objections filed .
- () Original record transferred to the District Court pursuant to the order of the Honorable .
() Other:

Kindly acknowledge receipt on the copy of the letter provided.

For the Court

Timothy B. McGrath
Clerk

By: 
Deputy Clerk

Received Above material or record tile this _____ day of _____, 20_____.

Civil Action No. _____

Signature: _____

Miscellaneous No. _____

Date: _____

Assigned to Judge _____

Designation due 10-28-16
Transmission 11-11-16

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

In re:

Evelyn Rivera

Debtor

John J. Lynch

Plaintiff

v.

Evelyn Rivera

Defendant

Chapter 7

OCT 14 2016

Bankruptcy No. 16-16269AMC

Adversary No. 16-00301AMC

NOTICE OF APPEAL AND STATEMENT OF ELECTION

Part 1: Identify the appellant(s)

1. Name(s) of appellant(s): John J. Lynch
2. Position of appellant(s) in the adversary proceeding or bankruptcy case that is the subject of this appeal:

For appeals in an adversary proceeding.

☒ Plaintiff

☐ Defendant

☐ Other (describe) _____

For appeals in a bankruptcy case and not in an adversary proceeding.

☐ Debtor

☐ Creditor

☐ Trustee

☐ Other (describe) _____

Part 2: Identify the subject of this appeal

1. Describe the judgment, order, or decree appealed from: denial of Informal Payments
2. State the date on which the judgment, order, or decree was entered: 9-26-16

Part 3: Identify the other parties to the appeal

List the names of all parties to the judgment, order, or decree appealed from and the names, addresses, and telephone numbers of their attorneys (attach additional pages if necessary):

1. Party: Defendant Attorney: Jennifer Schults Esq
Rivera Community Legal Aid

2. Party: Bank of America Attorney: 1410 W. Erie Ave
Boyanow Loan Serv Phila, PA 19140
KML Legal Repts
701 Market St
Phila PA 19106

Part 4: Optional election to have appeal heard by District Court (applicable only in certain districts)

If a Bankruptcy Appellate Panel is available in this judicial district, the Bankruptcy Appellate Panel will hear this appeal unless, pursuant to 28 U.S.C. § 158(c)(1), a party elects to have the appeal heard by the United States District Court. If an appellant filing this notice wishes to have the appeal heard by the United States District Court, check below. Do not check the box if the appellant wishes the Bankruptcy Appellate Panel to hear the appeal.

☒ Appellant(s) elect to have the appeal heard by the United States District Court rather than by the Bankruptcy Appellate Panel.

Part 5: Sign below

John J. Lynch
Signature of attorney for appellant(s) (or appellant(s)
if not represented by an attorney)

Date: 10-4-16

Name, address, and telephone number of attorney
(or appellant(s) if not represented by an attorney):

John J. Lynch
3281 Red Lion Rd APT #1
Phila. PA, 19119

Fee waiver notice: If appellant is a child support creditor or its representative and appellant has filed the form specified in § 304(g) of the Bankruptcy Reform Act of 1994, no fee is required.

cc: Judge Chum
District Court
Jennifer Schults, atty for defendant
Kevin McDonald - atty for defendant
Thomas Pulia - atty for defendant
U.S. Trustee
Gary Setz, Trustee
John J. Lynch,

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

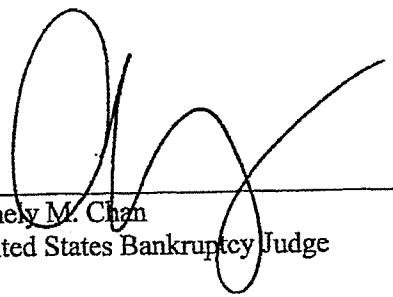
In re:	:	
	:	Chapter 7
Evelyn Rivera	:	
Debtor	:	Bankruptcy No. 16-16269AMC
_____	:	
John J. Lynch	:	
Plaintiff	:	
v.	:	
Evelyn Rivera	:	
Defendant	:	Adversary No. 16-00301AMC
_____	:	

ORDER

AND NOW, upon consideration of the Petition to Proceed in Forma Pauperis,

It is hereby **ORDERED** that the Petition is **DENIED**.

Plaintiff shall have thirty (30) days from the date of this order to pay the required filing fee.



Ashley M. Chan
United States Bankruptcy Judge

Date: September 26, 2016

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF
PENNSYLVANIA**

IN RE : EVELYN RIVERA

CHAPTER 7 NO.#16-16269 AMC

JOHN J. LYNCH

:

ADVERSARY NO.#16-00301 AMC

V.

:

EVELYN RIVERA

:

APPELLANTS PETITION TO PROCEED IN FORMA PAUPERIS

To the Honorable Chief judge and or any of the several judges comprising the
Court;

The appellant plaintiff in adversary does here by request leave to proceed IN
FORMA PAUPERIS and represents the following in support of this request:

1. I am the plaintiff adversary appellant in the above captioned matter and that because of bmy financial condition am unable to pay the fees and cost of prosecuting the appeal.
2. I am unable to obtain funds from anyone including my family and associates / friends to pay the cost of the appeal.
3. That this case involves the permanent injury to the appellants left eye by the appellees deliberate willful and malicious disobedience in opening plaintiffs door at a time when there was violence and danger on the other side when told not to by the plaintiff in result the injury.
4. I represent that the information below relating to my ability to pay the fees and cost is true and correct:

A) My name is John J. Lynch and I reside in an apartment at 3281 Red Lion Rd Phila Pa.,19114 this is a HUDVASH program apartment.subsidized housing for vets.

B) I am not employed I live on a fixed limited income a federal pension only 1072.00 a month and only 26.00 in food stamps.

C) Other income :

Buisness or profession : none

Other self employment : NONE

Interest : none

Dividends :none

Pensions and annuities : Veterans non serv con disability pension 1072.00

Social Security benefits : none

Disability payments : none

Unemployment compensation and supplemental benefits :none

Workerscompensation :none

Public assistance : only the food stamps

Other : Some help from churches with some food

D)Other contributions to household :NONE

E)Property owned

CASH : 70.00

Checking : 100.00 after everything is paid

Savings account: none

Certificate of deposit : none

Real estate NONE

Motor vehicle :1999 chevy Malibu sdn. cost 500.00

F) Debts and obligations : rent 195.00

Electric : 75.00

Gas : 53.00

Phone :40.00

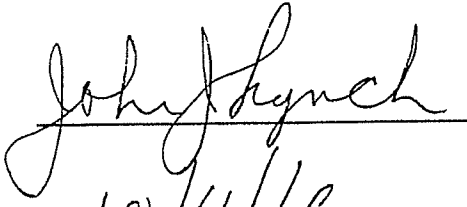
Netzero: 45.00

G) Persons dependant upon you for support if I had any support to give it would be mom 80 yrs old and my grand children 4 of them.Elizabeth Lynch mom and Owen Adam Kyle and Evan Lynch Grand kids.

4.I understand that I have a continuing obligation to inform the court of improvements in my financial circumstances which would permit me to pay the cost incurred herein.

5. I John J. Lynch hereby swear affirm and or otherwise verify that the statements made in this Petition are true and correct as they relate to my financial condition and my ability to and request for the in forma pauperis relief petitioned for herein that these statements are made pursuant to the provisions and penalties for giving such information fraudulently to the court in the United States Code .

RESPECTFULLY SUBMITTED


10/4/16

**Department of
Veterans Affairs**PO BOX 8079
PHILADELPHIA PA. 19101

March 25, 2016

Veteran's Name:
Lynch, John, JJOHN J LYNCH
3281 RED LION RD APT
1
PHILADELPHIA PA 19114

This letter is a summary of benefits you currently receive from the Department of Veterans Affairs (VA). We are providing this letter to disabled Veterans to use in applying for benefits such as housing entitlements, free or reduced state park annual memberships, state or local property or vehicle tax relief, civil service preference, or any other program or entitlement in which verification of VA benefits is required. Please safeguard this important document. This letter replaces VA Form 20-5455, and is considered an official record of your VA entitlement.

--America is Grateful to You for Your Service--

Our records contain the following information:

Personal Claim Information:Your VA claim number is: ~~178-210-1216~~

You are the Veteran

Military Information:

Your character(s) of discharge and service date(s) include:

Army, Honorable, 06-May-1974 - 12-Feb-1975

(You may have additional periods of service not listed above)

VA Benefits Information:

Service-connected disability: No

Are you receiving non-service-connected pension: Yes

The effective date of the last change to your current award was: 01-DEC-2014

Your current monthly award amount is: \$1,072.00

You should contact your state or local office of Veterans' affairs for information on any tax, license, or fee-related benefits for which you may be eligible. State offices of Veterans' affairs are available at <http://www.va.gov/statedva.htm>.

Need Additional Information or Verification?

If you have any questions about this letter or need additional verification of VA benefits, please call us at 1-800-827-1000. If you use a Telecommunications Device for the Deaf (TDD), the federal relay number is 711. Send electronic inquiries through the Internet at <https://iris.va.gov>.

Sincerely yours,

Regional Office Director

727OBJ, APPEAL

**U.S. Bankruptcy Court
Eastern District of Pennsylvania (Philadelphia)
Adversary Proceeding #: 16-00301-amc**

Assigned to: Judge Ashely M. Chan

Date Filed: 09/12/16

Lead BK Case: 16-16269

Lead BK Title: Evelyn Rivera

Lead BK Chapter: 7

Demand: \$50000

Nature[s] of Suit: 21 Validity, priority or extent of lien or other interest in property
31 Approval of sale of property of estate and of a co-owner - 363(h)
41 Objection / revocation of discharge - 727(c),(d),(e)
68 Dischargeability - 523(a)(6), willful and malicious injury
91 Declaratory judgment

Plaintiff

John J. Lynch

3281 Red Lion Road

Apt. #1

Philadelphia, PA 19114

represented by **John J. Lynch**
PRO SE

V.

Defendant

Evelyn Rivera

10814 Modena Ter

Philadelphia, PA 19154

SSN / ITIN: xxx-xx-2232

represented by **JENNIFER SCHULTZ**
Community Legal Services
North Philadelphia Law Center
1410 W. Erie Avenue
Philadelphia, PA 19140-4111
215 227-2400x2420
Fax : 215 227-2435
Email: jschultz@clsphila.org
LEAD ATTORNEY

Defendant

BANK OF AMERICA

represented by **KEVIN G. MCDONALD**
 Blank Rome LLP
 One Logan Square
 Philadelphia, PA 19103
 215-569-5582
 Fax : 215-832-5582
 Email: KMcdonald@blankrome.com

Defendant




Bayshore Loan Servicing









represented by **KEVIN G. MCDONALD**
 (See above for address)

Defendant

KML Group, Inc.

represented by **THOMAS I. PULEO**
 KML Law Group, P.C.
 701 Market Street
 Suite 5000
 Philadelphia, PA 19106
 (215) 627-1322
 Fax : (215) 627-7734
 Email: tpuleo@kmlawgroup.com

Filing Date	#	Docket Text
09/12/2016	 <u>1</u>	Adversary case 16-00301. Complaint by John J. Lynch against Evelyn Rivera , BANK OF AMERICA , Bayshore Loan Servicing , KML Group, Inc. . Fee Amount \$0.00 . (Attachments: # <u>1</u> Adversary Coversheet # <u>2</u> Certificate of Service) (21 (Validity, priority or extent of lien or other interest in property)) ,(31 (Approval of sale of property of estate and of a co-owner - 363(h))) ,(41 (Objection / revocation of discharge - 727(c),(d),(e))) ,(68 (Dischargeability - 523(a)(6), willful and malicious injury)) ,(91 (Declaratory judgment)) (G., Jennifer) (Entered: 09/12/2016)
09/12/2016	 <u>2</u>	Petition to Proceed In Forma Pauperis Filed by John J. Lynch (related document(s) <u>1</u>). (G., Jennifer) (Entered: 09/12/2016)
09/12/2016	 <u>3</u>	1 Summons Issued to Plaintiff(s) to be served upon Defendant(s) BANK OF AMERICA Date Issued 9/12/2016,

		Answer Due 10/12/2016; Bayshore Loan Servicing Date Issued 9/12/2016, Answer Due 10/12/2016; KML Group, Inc. Date Issued 9/12/2016, Answer Due 10/12/2016; Evelyn Rivera Date Issued 9/12/2016, Answer Due 10/12/2016. (G., Jennifer) (Entered: 09/12/2016)
09/12/2016	 <u>4</u>	Court's Certificate of Mailing. Number of notices: 1 John J. Lynch(pla)(related document(s) <u>1</u> , <u>3</u>). (G., Jennifer) (Entered: 09/12/2016)
09/26/2016	 <u>5</u>	Summons Service Executed on BANK OF AMERICA 9/26/2016; Bayshore Loan Servicing 9/26/2016; KML Group, Inc. 9/26/2016; Evelyn Rivera 9/26/2016 . (D., Stacey) (Entered: 09/27/2016)
09/26/2016	 <u>6</u>	Order Re: Upon consideration of the petition to proceed in Forma Pauperis, it is hereby Ordered that the petition is Denied. Plaintiff shall have 30 days from the date of this order to pay the required filing fee. (related document(s) <u>2</u>). (D., Stacey) (Entered: 09/27/2016)
09/29/2016	 <u>7</u>	BNC Certificate of Mailing - PDF Document. (related document(s) (Related Doc # <u>6</u>)). No. of Notices: 3. Notice Date 09/29/2016. (Admin.) (Entered: 09/30/2016)
10/10/2016	 <u>8</u>	Motion to Dismiss Adversary Proceeding Filed by KML Group, Inc. Represented by THOMAS I. PULEO (Counsel). (Attachments: # <u>1</u> Brief in Support of the Motion of Defendant, KML LAW GROUP,P.C., to Dismiss Plaintiff's Adversary Complaint # <u>2</u> Exhibit A-H # <u>3</u> Proposed Order # <u>4</u> Service List) (PULEO, THOMAS) (Entered: 10/10/2016)
10/10/2016	 <u>9</u>	Notice of (related document(s): <u>8</u> Motion to Dismiss Adversary Proceeding) Filed by KML Group, Inc.. Hearing scheduled 11/16/2016 at 11:00 AM at nix5 - Courtroom #5. (Attachments: # <u>1</u> Service List)(PULEO, THOMAS) (Entered: 10/10/2016)
10/12/2016	 <u>10</u>	Motion to Dismiss Adversary Proceeding Filed by Evelyn Rivera Represented by JENNIFER SCHULTZ (Counsel). (Attachments: # <u>1</u> Proposed Order # <u>2</u> Service List # <u>3</u> Volume(s) brief in support) (SCHULTZ, JENNIFER) (Entered: 10/12/2016)
10/12/2016	 <u>11</u>	Notice of Appearance and Request for Notice <i>with Certificate of</i>

		Service by KEVIN G. MCDONALD Filed by KEVIN G. MCDONALD on behalf of BANK OF AMERICA, Bayshore Loan Servicing. (MCDONALD, KEVIN) (Entered: 10/12/2016)
10/12/2016	<u>12</u>	Notice of (related document(s): <u>10</u> Motion to Dismiss Adversary Proceeding) Filed by Evelyn Rivera. Hearing scheduled 11/16/2016 at 11:00 AM at nix5 - Courtroom #5. (SCHULTZ, JENNIFER) (Entered: 10/12/2016)
10/12/2016	<u>13</u>	Certificate of Service Filed by JENNIFER SCHULTZ on behalf of Evelyn Rivera (related document(s) <u>10</u> , <u>12</u>). (SCHULTZ, JENNIFER) (Entered: 10/12/2016)
10/12/2016	<u>14</u>	Motion to Dismiss Case. Motion to Dismiss Adversary Complaint Filed by BANK OF AMERICA, Bayshore Loan Servicing Represented by KEVIN G. MCDONALD (Counsel). (Attachments: # <u>1</u> Memorandum of Law in Support # <u>2</u> Exhibits 1-5 # <u>3</u> Proposed Order # <u>4</u> Service List # <u>5</u> Notice of Motion to Dismiss) (MCDONALD, KEVIN) (Entered: 10/12/2016)
10/13/2016	<u>15</u>	Notice of (related document(s): <u>14</u> Motion to Dismiss Case. Motion to Dismiss Adversary Complaint) Filed by BANK OF AMERICA , Bayshore Loan Servicing . Hearing scheduled 11/16/2016 at 11:00 AM at nix5 - Courtroom #5. (D., Stacey) (Entered: 10/13/2016)
10/14/2016	<u>16</u>	Notice of Appeal to District Court . Receipt Number 0, Fee Amount \$0 Filed by John J. Lynch (related document(s) <u>6</u>). Appellant Designation due by 10/28/2016. Transmission of record on appeal to District Court Due Date:11/11/2016. cc: Judge Ashely M. Chan, District Court, Jennifer Schultz, Kevin McDonald, Thomas Puelo, United States Trustee, Gary Seitz, John J. Lynch. (D., Stacey) Additional attachment(s) added on 10/18/2016 (D., Stacey). (Entered: 10/18/2016)

A TRUE COPY CERTIFIED
TO FROM THE RECORD
DATED: 10-18-16
ATTEST: [Signature]
Deputy Clerk
U.S. Bankruptcy Court